

REMARKS

The final Office Action of July 20, 2010, has been carefully studied. An RCE has been filed concurrently herewith. Favorable reconsideration and allowance are respectfully requested.

I. Claim Status and Amendments

Claims 1-3, 5-9, and 11-19 were pending in this application when last examined and stand rejected. No claims have been allowed.

By way of the present amendment, claims 1, 2, and 5 have been amended. Support for the amendments to the claims can be found throughout the general disclosure. For instance, support for “a longitudinally extending stationary device for directly supporting from above at least two containers held together by means that attach to a collar on each said container, which is suspended in an erect position” in claim 1 can be found in the disclosure, for example, at page 3, lines 4-15, at page 5, lines 1-10 (which discusses “means by which each container is joined together to the adjacent container”), at page 7, lines 5-8 and Figs. 9-13 (which discloses means/grippers 37 to grip the collar of each container, whereby the two containers are held together). Support “for means for slidably moving said at least two containers along said longitudinally extending stationary device” in claim 1 can be found in the disclosure, for example, at page 5, lines 5-10. Claims 2 and 5 have been amended to be consistent with the revisions to claim 1.

No new matter has been added.

Claims 1-3, 5-9, and 11-19 remain pending upon entry of this amendment, and these claims define patentable subject matter warranting their allowance for the reasons noted herein.

II. Written Description Rejection

Claims 11-19 have been rejected under 35 USC 112, first paragraph, as failing to comply with the written description support for the reasons in item 2 on page 2 of the Office Action. The examiner notes that claim 11 recites “at least one vertically movable support plate that is attached to and supports both the mounting device and the heater.” The examiner contends that the specification, as originally filed, does not provide support for an apparatus having a vertical support plate that supports both the heater and a mounting device capable of mounting an annular band from below. The examiner states that while the specification provides support for a vertical support plate supporting a heater, it does not provide support for one that also supports the mounting device capable of mounting a band onto a container, as recited in claim 11. The rejection is respectfully traversed.

Applicants respectfully submit that there is support in the disclosure for the claimed apparatus having “at least one vertically movable support plate that is attached to and supports both the mounting device and the heater.” For instance, the specification at page 3, lines 4-8 states that “the method is implemented by a plant comprising a device for supporting and transporting at least one container, means for mounting a heat-shrinkable label onto said at least one container from below, and means for causing said label to adhere to said container.” This disclosure makes it clear that the device supports both the means for mounting and means (i.e., heater) for causing the label to adhere. Moreover, at pages 7-8, the specification describes a second embodiment of the invention (as shown in Figures 9-13), wherein a movable plate 52, which moves vertically,

carries (i.e., supports) both the label support means (i.e., mounting device) and the means (i.e., heater) for causing the label to adhere, as shown in figures 12-13. See, for instance, figures 12 and 13, which depict the vertically movable support plate (52) that attaches to and supports both the means for causing the labels to adhere (cylinder (54) and dispenser nozzles (55) and the label support means (including annular spacers (46)). As discussed on page 8, the movable plate 52 is raised to thereby mount the labels on the containers by withdrawing them from the rods, at which point the pressurized fluid delivery system is operated to heat the labels causing them to adhere to the containers. This disclosure provides clear written description support for a vertical support plate supporting both a heater and a mounting device capable of mounting a band onto a container, as recited in claim 11.

Therefore, Applicants respectfully submit that the specification provides full written description support for claim feature of “at least one vertically movable support plate that is attached to and supports both the mounting device and the heater.” For this reason, the above written description rejection is believed to be untenable and should be withdrawn.

III. Prior Art Rejections

Claims 1-3, 5, 6, and 11-16 have been newly rejected under 35 USC § 103(a) as being unpatentable over Amber (US 3,767,496) in view of Marchesini (US 4,991,377) for the reasons set forth in item 4 on pages 3-5.

Claims 7-9 and 17-19 have been newly rejected under 35 USC § 103(a) as being unpatentable over Amber and Marchesini in view of Kostantin (US 4,514,966) and Lerner (US 5,483,783) for the reasons set forth in item 5 on pages 5-8.

The rejections are respectfully traversed and will be discussed together below, since Amber and Marchesini are used in each rejection as the main references.

Applicants respectfully submit that no combination of Amber and Marchesini or Amber, Marchesini, Kostantin and Lerner discloses each and every element of the claims.

First, regarding the obviousness rejection of claims 1-3 and 5-9, independent claim 1, as amended, now recites:

A labelling plant for containers having a collar, comprising:

a longitudinally extending stationary device for directly supporting from above ***at least two containers held together by means that attach to a collar on each said container***, which is suspended in an erect position;

means for slidably moving said at least two containers along said longitudinally extending stationary device;

means for ***mounting at the same time a heat-shrinkable annular band onto each of said at least two containers*** acting from below the containers;

means for causing said annular bands to adhere to said containers by heat-shrinkage;

wherein said means for mounting a heat-shrinkable annular band onto each of said containers comprise at least one vertically movable support plate to transport the annular bands which are disposed vertically; and

the means for causing each of the annular bands to adhere by heat-shrinkage is supported on said support plate.

The cited references do not disclose or suggest the above-italicized feature of a device “for directly supporting from above at least two containers held together by means that attach to a collar on each said container, which is suspended in an erect position.” In other words, the feature distinguishing over the main references of Amber and Marchesini is that at least two containers are joined together by the collar, while the respective annular bands are mounted. Nothing in Amber and Marchesini discloses or suggests this feature.

In addition, the cited references also fail to disclose or suggest a device having the feature of “means for mounting at the same time a heat-shrinkable annular band onto each of said at least two containers acting from below the containers.” Nothing in the cited prior art references disclose or suggest simultaneous mounting of heat-shrinkable annular bands onto the joined containers.

For these reasons alone, the above-noted obviousness rejections, as applied to independent claim 1 and dependent claims 2-3 and 5-9 should fall.

Second, the examiner seems to have rejected claims 1 3 and 5 on the grounds that it would have been obvious to have Amberg as modified by Marchesini such that the means for causing an annular band to adhere to a container is supported by the support plate of the annular band. Applicants respectfully disagree.

It is noted that Marchesini refers to a device where no annular band, or the like, is mounted onto the container acting from below, as called for in the claims. Instead, Marchesini discloses an apparatus in which a capsule 3 is positioned at the top of a container 2 positioned on the top of known means 12, not acting from below. In this arrangement, the means 14 traverses the capsule in the direction T within the annular member 20 comprising the ejectors of the warm fluid. This stands in contrast to the claimed invention.

Further, in the device of Marchesini the annular member 20 and the ejectors 6a are stationary. Given that in the device of Marchesini, the annular member 20 and the ejectors 6a are stationary, in order to modify Amberg by Marchesini, the skilled artisan would have to substitute the stationary annular member 20 of Marchesini for the oven chamber 77 of Amberg, which does not seem possible, and then to connect the oven chamber, or the annular member to the support plate for the annular band. Also, the heating element 75 in Amberg appears to be stationary and

does not appear to be connected, either directly or indirectly, to stripper sleeve 70 (which the examiner equates to our vertically movable plate). However, this is simply no suggestion or rationale given by the examiner for making this modification, which again seems impossible.

Furthermore, in Amberg, the annular band is supported by the stripper sleeve 70 which transfers the sleeve 69 onto the container 8, and should the annular member be supported by the stripper sleeve, it would move with the annular band and it could not warm the whole height of the annular band, as is the case in the present invention.

For these additional reasons, to modify Amberg by Marchesini is not possible, and as such, the present invention is far to be obvious over the teachings of Amberg and Marchesini. Thus, for the additional reasons noted above, the claims are believed to be novel and patentable over the cited references.

In addition, independent claim 11 also recites an additional feature that further distinguishes it over the cited references. Specifically, the further distinguishing element of claim 11 is a vertically movable support plate that is attached to and supports both the mounting device and the heater. See the discussion above in the traversal to the written description rejection for a discussion of this feature. This further distinguishing feature of claim 11 is not taught by the cited references.

Marchesini discloses a support 12 for the body of the capsule 2 closed by a cap, and a separated means for directing a flow of hot compressed fluid to a portion of the cap, the unit of body and cap must be rotated to direct the air to the whole circumference. However, in Marchesini, there is no suggestion or teaching that the heating member should be movable, let alone, attached to a vertically movable support plate, which in turn is also attached to the means for attaching the annular band to arrive at the claims.

In Amberg, there is a support plate for the annular band (element 70 of fig 16). However, similar to Marchesini, there is no teaching or suggestion in Amberg that the oven chamber should be attached to a vertically movable support plate that in turn is attached to a means for attaching the annular band.

Thus, there is simply nothing in the cited references that discloses or suggests the above-noted additional critical feature of claim 11. For this additional reason, claim 11, and all claims dependent thereon (i.e., claims 12-19) are believed to novel and patentable over Amberg and Marchesini.

Furthermore, to modify Amberg according to Marchesini would require positioning the hot air means of Marchesini on the support 70 of Amberg. However, the skilled artisan would not attempt to do so, because the Marchesini hot air means can never rotate in respect of the support to which it is attached to.

For these additional reasons, claim 11, and all claims dependent thereon (i.e., claims 12-19) are believed to novel and patentable over Amberg and Marchesini.

As to the obviousness rejection of claims 7-9 and 17-19 over Amberg and Marchesini in view of Kostantin and Lerner, the comments above with respect to claim 1 and the cited references of Amberg and Marchesini are reiterated herein. Claim 7 depends on claim 1, and thus, includes all of the features of claim 1. Kostantin and Lerner fail to remedy the above-noted deficiencies of claim 1 with respect to Amberg and Marchesini.

Kostantin discloses opening means in form of rods capable to expand against the inside surface of a folded tube to open it into a polygonal configuration. Nothing is said about said rods branching from a fixed plate and being comprised in a vertically movable support plate so that the bottle never enters between the rods while the band is inserted on the bottle.

Lerner discloses relatively movable parallel pins (rods) which are operable to contract and expand; a sleeve is inserted on the contracted rods, which then expand to stretch the sleeve; the expanded sleeve receives a bottle inserted between the rods, and is then stripped from the rods. Nothing is said about said rods branching from a fixed plate and being comprised in a vertically movable support plate so that the bottle never enters between the rods while the band is inserted on the bottle.

Therefore, no suggestion is given by Kostantin and/or Lerner to realize the limitation of the dependent claim 7.

For these reasons, the obviousness rejections are untenable and should be withdrawn.

IV. Conclusion

Having addressed all the outstanding issues, the amendment is believed to be fully responsive to the Office Action. It is respectfully submitted that the claims are in condition for allowance, and favorable action thereon is requested.

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Reply to Office Action of July 20, 2010

If the examiner has any comments or proposals for expediting prosecution, please
contact the undersigned attorney at the telephone number below.

Respectfully submitted,

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